



**STROMBERG  
STOCK**

ACCEPTED  
05-10-00176-CV  
FIFTH COURT OF APPEALS  
DALLAS, TEXAS  
8/17/2016 4:43:39 PM  
LISA MATZ  
CLERK

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August 17, 2016

FILED IN  
5th COURT OF APPEALS  
DALLAS, TEXAS

8/17/2016 4:43:39 PM

LISA MATZ  
Clerk

*Via efilings*

Clerk, Court of Appeals  
Fifth District of Texas at Dallas  
600 Commerce Street, Suite 200  
Dallas, TX 75202

Re: Court of Appeals Number: 05-10-00176-CV  
Trial Court Case Number: DC06-07115

Style: *Stone Pine Investment Banking, L.L.C.*  
v.  
*American Realty Trust, Inc.*

Dear Sirs:

I am writing about the motion of Stromberg Stock, PLLC ("Counsel") to withdraw as counsel of record for the Appellants. I am told by my assistant that she inquired about this and was told that the Court of Appeals would not consider any motions filed until the automatic stay was lifted. I am requesting that the Court will nevertheless consider and grant this motion for the reason that we do not believe that the automatic stay prevents this motion from being granted.

On April 11, 2016, David Lewis, the Chapter 7 Trustee for Stone Pine Investment Banking, LLC (the entity which filed the bankruptcy case that gave rise to the stay in the first place), filed a motion to lift the abatement currently pending in this appeal. A copy is attached for your reference. Mitchell Madden filed this motion on the Trustee's behalf. Prior to filing our motion to withdraw, Counsel requested, and Mr. Madden graciously provided, his consent to our withdrawal motion.

Then, on April 21, 2016 a response in opposition to this motion was filed by Jeffrey Levinger on behalf of several other of the parties that Counsel had represented.

We believe this Court may grant the motion to withdraw for several valid reasons. First, the withdrawal of Counsel is not "an action against the estate" or an action to enforce an obligation against the estate of Stone Pine Investment Banking, LLC, and is therefore not an act which could itself be a violation of the automatic stay.

Second, the only party in this appeal who has filed bankruptcy is Stone Pine Investment Banking, LLC; no other interested parties have done so. Since the automatic stay does not apply to these other entities, there is no stay preventing withdrawal at least as to these parties.

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Third, other former clients of Counsel in the case below have filed their own response to the Trustee's motion and are using other attorneys to do so. Further still, no one (including the Stone Pine Trustee) has filed any objection to the motion to withdraw.

Finally, and perhaps most critically, the enforcement of the automatic stay is a right belonging to David Lewis, Stone Pine's Chapter 7 Trustee, and his counsel has approved of Counsel's withdrawal.

Please let me know what we might do to have this matter considered and ruled upon, and I thank you for your attention to this matter.

Sincerely,

  
Mark Stromberg

MS/ss

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